8:Howell E, G-5 (1942-1944)1954
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691 suit is the technique of litigation in Nuerland. This is a necessary opening and not considered reprehensible in the circumstances; in other ways the Nuer are a surprisingly truthful people. It is thought fair tactics for the defendant in a civil case to throw out a screen of fabrications before giving way to the force of public opinion vented in the court, or, as is often the case, reaching some satisfactory compromise. A man must abandon the struggle only when a sufficient flow of ingenious argument has satisfied his honour. This procedure is not even confined to actions in the courts. The negotiations which take place over the payment of bridewealth, for example, are a battle of wits. The Nuer speak of it as a battle (bar) and regard it as one of the most exhausting trials of their lives. The idea of a battle is carried into the courts with vigour and in some respects the Nuer regard litigation as a stimulating pastime. The number of cases instituted without any hope of success is enormous, and even the deterrents applied by the Administration have not achieved any substantial reduction.

[1.6 114 The sources of my information are therefore from the courts themselves; a close analysis of several thousands of actual cases. These were recorded when I acted as clerk to the appeal courts, or taken from court records. I had the benefit of Professor Evans-Pritchard's account of the social structure and political institutions of the Nuer[1] and more recently his writings on kinship and marriage.[2] In fact he has mentioned, though not always in detail or in the same context, nearly all the subjects recorded in this Manual and since I have rarely had occasion to disagree with the facts or his interpretation, much may appear merely repetitive. My work in the field, however, was carried out independently and largely among different Nuer tribes. Moreover his observations were made of the Nuer as they were some twenty years ago, and since then there have been many profound changes as the result of administrative action. This is especially true in the sphere of customary law. Further, it has been my object to describe only those aspects of Nuer life which are more or less concerned with disputes heard by Nuer courts, though it is obviously difficult to isolate specific aspects from the general background.

[2.1 This Manual of Nuer Law is not a code or a text-book in which the precise answer to any legal situation may be found. The fine and now rapidly changing distinction between law, custom, convention, and usage will not allow any such precise description. It is rather a study of basic principles as they are now, exemplified by actual examples, as well as a study of a most complex system of law in the process of development. It is, however, primarily intended for the administrator.

[1] *The Nuer*. Oxford, 1940.

[2] In a series of articles and now in *Kinship and Marriage among the Nuer*. Oxford, 1951.